

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

Civil Action No: 1:06cv84LG-RHW

**\$14,240.00 IN
UNITED STATES CURRENCY**

**DEFENDANT
PROPERTY**

DEFAULT JUDGMENT OF FORFEITURE

THIS matter is before the Court on the Motion for Default Judgment of Forfeiture filed by the United States of America (“Government”) and, finding that the relief sought by such motion has merit and should be granted, the Court further finds and adjudicates as follow:

1. The Verified Complaint in this matter was filed on February 10, 2006 (Ct. R., Doc. #1), and pursuant to order of this Court, the defendant property, described above, was arrested by the United States Marshal (Ct. R., Doc. #3).

2. Subsequently, notice of this action and of the arrest of defendant property was served by certified mail return-receipt requested upon Austreberto Gamino and his attorney, David R. Bires, as noted in the Proof of Service filed on September 19, 2006 (Ct. R., Doc. #6). On June 21, 2006, publication of the notice of the arrest of defendant property and of this action (Ct. R., Doc. #4) was duly completed in accordance with law and the order of this Court.

3. The notice informed all persons or entities, known and unknown, that the defendant property had been arrested, that this forfeiture action was pending, that they had thirty days from receipt of notice to file their claims and twenty days after filing the claim to file their answers. Further, for guidance in the preparation of their claims and answers, the notice

referred any such persons or entities to Rule C(6) of Supplemental Rules of Certain Admiralty and Maritime Claims, Title 28, United States Code, and warned that if this rule were not strictly followed any claim and answer could be stricken and a default judgment of forfeiture rendered.

4. The Government took all reasonable measures to insure that Austreberto Gamino, and any other persons or entities received such notice in a timely fashion. To this date, however, neither Austreberto Gamino, nor any other person or entity has filed a claim, answer, or any other pleading in this case nor have they otherwise appeared herein, individually or through a representative. Therefore, any such potential claimants are in total default, the Entry of Default (Ct. R., Doc. #12) made by the Clerk was entirely proper, and the Government is entitled to a default judgment of forfeiture, all without the necessity of any further notice to Austreberto Gamino, or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The United States of America is hereby given a default judgment of forfeiture against the defendant property described above and against the interests therein of Austreberto Gamino, and any and all persons or entities having or claiming an interest in defendant property.

b. Title to defendant property is hereby vested in the United States of America and any administrative claims or interests therein of any persons or entities, including Austreberto Gamino, are hereby canceled.

c. Defendant property is referred to the custody of the United States Marshal for disposition in accordance with law and regulations.

SO ORDERED AND ADJUDGED this the 7th day of November, 2006.

St Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATE DISTRICT JUDGE